

JOHN EDWARD MILLER §
v. § CIVIL ACTION NO. 5:10cv70
UNION PACIFIC RAILROAD, ET AL. §

but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has carefully reviewed the pleadings in the cause along with the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 16) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted, in that it is barred by the statute of limitations. It is further

ORDERED that any and all other motions which may be pending in this cause are hereby DENIED.

SIGNED this 24th day of November, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE